

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kathryn Duffy	Team: Team # 1	CCRB Case #: 200808569	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/07/2008 3:00 PM	Location of Incident: East 59th Street and Avenue J or Avenue K	Precinct: 63	18 Mo. SOL 11/7/2009	EO SOL 11/7/2009	
Date/Time CV Reported Mon, 06/16/2008 1:43 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/16/2008 1:43 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Gerard Beyrodt	29279	927924	NARCBBS
2. DT3 Daniel Ticali	05570	929255	NARCBBS
3. SGT Andrew Hillery	01031	925457	NARCBBS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Manuel Rodriguez	00746	935625	NARCBBS
2. POM Carlos Gonzalez	11554	930243	NARCBBS
3. DT3 Gaspar Sciacca	04136	931192	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Daniel Ticali	Abuse: Det. Daniel Ticali searched the car in which § 87(2)(b) was an occupant.	
B.DT3 Gerard Beyrodt	Abuse: Det. Gerard Beyrodt threatened § 87(2)(b) with the use of force.	
C.SGT Andrew Hillery	Abuse: Sgt. Andrew Hillery supervised the strip-search of § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Synopsis

§ 87(2)(b), § 87(2)(b) a resident of § 87(2)(b), New York, filed the following complaint of police misconduct on the CCRB intake line on June 16, 2008.

On May 7, 2008, at approximately 3:00 pm, § 87(2)(b) was in the vicinity of Avenue K and East 59th Street in Brooklyn. He stated that he was grocery shopping, but Detectives Gaspar Sciacca and Daniel Ticali from the Narcotics Boro Brooklyn South allege that they observed him engage in a hand-to-hand drug transaction outside a residential building on the block. Detectives Sciacca and Ticali stopped and questioned § 87(2)(b) who told the detectives that he was visiting a friend, but could not name the friend, and then told the detectives that he was shopping at a local bakery, but could not provide the bakery's location. § 87(2)(b) was placed in handcuffs, and Det. Ticali searched his person. The search revealed that § 87(2)(b) was in possession of a generic form of the prescription drug Xanax, and he was subsequently arrested. Det. Ticali searched § 87(2)(b)'s vehicle, but § 87(2)(b) consented to the search (**allegation A**). A prisoner van occupied by Det. Gerard Beyrodt and PO Carlos Gonzalez from the Narcotics Boro Brooklyn South (NBBS) arrived and transported § 87(2)(b) to the 69th Precinct stationhouse. § 87(2)(b) alleged that Det. Beyrodt threatened him during the ride by saying, "If you don't settle down I'm going to beat you up," (**allegation B**). At the 69th Precinct stationhouse, § 87(2)(b) was strip-searched under the supervision of Sgt. Andrew Hillery from the NBBS (**allegation C**). A review of the 69th Precinct command log revealed that the strip search was not properly documented.

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Summary of Complaint

§ 87(2)(b) a resident of § 87(2)(b), New York, is a § 87(2)(b). § 87(2)(b) is a native of Brooklyn but moved to Long Island with his elderly parents several years ago. He makes weekly shopping trips to his old neighborhood to buy his parents groceries from the local shops. § 87(2)(b) was interviewed at the CCRB on June 25, 2008 and provided the following statement.

On May 7, 2008, § 87(2)(b) drove to Brooklyn in his black 2004 Dodge Stratus and found a legal parking spot on either Avenue J or Avenue K near the intersection with East 59th Street in Brooklyn. At approximately 3:00 pm, he had just been to § 87(2)(b), on Ralph Avenue. However, he was unable to say whether he had parcels in his hands from the bakery, whether he bought anything at § 87(2)(b), or whether he had placed his purchases, if any, into his vehicle. As he left the bakery and approached his vehicle, he said that he noticed an unidentified individual who looked like an acquaintance from the neighborhood.

§ 87(2)(b) first stated that he saw a white male who was about 5'10" with brown hair and an average build standing about a block away, and approached to find that he was mistaken, and this individual was not his friend (who he would not name on the record). He denied speaking to or interacting with the unidentified individual. However, he changed his statement immediately after giving it, and said, "I just gave you that description for no reason, because I just thought I saw his car." When asked to describe the vehicle, § 87(2)(b) at first could not. However, he stated after being prompted that the vehicle was a brown Ford SUV. He was not sure of the particular model, but said that he walked in the direction of the

vehicle (which was parked) because he believed that it belonged to his friend. When he came closer, he realized he was mistaken and returned to his own car. Again, he denied speaking to or interacting with anyone, and said that there was no one standing or walking in the vicinity. He said that the brown Ford was parked “around the corner” but was unable to specify its distance from his own vehicle.

He walked back to his car, opened the driver’s side door, and got inside. He thought that he might have started the car, but was not sure. As he sat, a blue minivan pulled up directly beside him and “blocked [him] off.” The minivan was occupied by two white male officers dressed in plainclothes, identified by the investigation as Det. Daniel Ticali¹ and Det. Gaspar Sciacca, both from the Narcotics Boro Brooklyn South. Det. Ticali immediately exited the vehicle and instructed § 87(2)(b) to turn off his car, and § 87(2)(b) complied, and then removed his driver’s license from his wallet without being instructed to do so, because he assumed Det. Ticali would want it.

Det. Ticali took § 87(2)(b)’s driver’s license and instructed him to exit the vehicle². He stood, and was immediately handcuffed while Det. Ticali questioned him about his reason for being in the area. § 87(2)(b) explained that he had come from Long Island to do some grocery shopping. Det. Ticali did not accept this explanation and asked, “What, there’s no bakeries in Long Island?” § 87(2)(b) referred him to the center console of the vehicle and said that he had a grocery list and some cash there.

Det. Ticali patted down the outside of § 87(2)(b)’s clothing and searched inside each pocket. He found half a piece of the prescription pill Altrazolan, which is a generic form of Xanax and for which § 87(2)(b) has a prescription. Det. Ticali took the pill and asked § 87(2)(b) what it was. He explained that it was prescribed to him, but Det. Ticali did not believe him and told him he would be placed under arrest. Det. Ticali then searched the front seats of the car. § 87(2)(b) thought that he asked permission to search the vehicle, but when questioned about this point, he revised the statement several times because he could not remember whether it was the car itself, the trunk, or the glove compartment that Det. Ticali had asked to search. He similarly could not remember (after speculating about which area was asked about) whether the glove compartment or trunk were in fact searched, whether or not Det. Ticali had first asked permission.

§ 87(2)(b) noted that at one point Det. Ticali told him he was stopped because he had scratched his head, and that it had looked suspicious. He did not put this comment in any kind of context and could not recall at what point Det. Ticali said this.

After being handcuffed and told he was under arrest, § 87(2)(b) was taken to a blue passenger van (again, he could not recall whether he was driven to the prisoner van in the minivan, whether it was radioed, or whether it was already at the scene) which was occupied by two more white male officers dressed in plainclothes. § 87(2)(b) described one of the two officers in the prisoner van as “Carl” or “Carlos,” who was a short, white or Hispanic male with visible tattoos on both arms. § 87(2)(b) could not remember whether the tattoos were individual pieces or full sleeves, and also could not remember what any of the tattoos depicted. “Carlos,” identified by the investigation as PO Carlos Gonzalez from the NBBS, drove the prisoner van and was described by § 87(2)(b) as “very courteous.” The second officer, identified by § 87(2)(b) as “Jerry,” was a white male officer who was taller, slimmer, and younger than Det. Ticali, with dark hair. § 87(2)(b) thought that “Jerry,” identified by the investigation as Det. Gerard Beyrodt from the NBBS, was in his thirties. As § 87(2)(b) was moved into a seat at the back of the van, Det. Beyrodt, who sat in the front passenger seat, warned, “We clean this van at the end of the shift. If you drop anything or try to hide anything, we’re going to find it.” As Det. Beyrodt, PO

¹ § 87(2)(b) described Det. Ticali as a white male with black hair, about 5’11”, and heavy. § 87(2)(b) could not describe Det. Sciacca aside from identifying him as a white male; he could not describe his height or build, and explained that he did not interact with Det. Sciacca in any significant way and therefore did not note his physical appearance.

² § 87(2)(b) was not clear on this point and was unable to say at which point in the interaction he actually exited the car, or when he was handcuffed. After several minutes of questioning by the undersigned investigator, § 87(2)(b) concluded that Det. Ticali probably handcuffed him immediately after he exited the car.

Gonzalez, and § 87(2)(b) drove away in the van to patrol in the surrounding area, Det. Beyrodt threatened § 87(2)(b) by saying, "If you don't settle down, I'm going to beat you up." § 87(2)(b) denied having done anything that would provoke a reaction from Det. Beyrodt.

After driving around for an unspecified amount of time, § 87(2)(b) was taken to the 69th Precinct stationhouse, where Det. Beyrodt and PO Gonzalez led him into a hallway near the holding cell area and conducted a strip search. § 87(2)(b) said that this was not a separate room, but was in a private area, not visible from the public areas of the stationhouse, and there were no other prisoners or officers present. Nothing was recovered in the course of the search, and he was subsequently instructed to put his clothing back on and was escorted back to the prisoner van.

Det. Beyrodt, PO Gonzalez, and § 87(2)(b) drove about in the van for several hours. They did not pick up any additional prisoners at any time. § 87(2)(b) said that he was angered by the length of the transport, and that he was concerned for his personal safety because of the areas in which they traveled. He thought they were driving through East New York, but he was not certain. At approximately 9:15 pm, they returned to the 69th Precinct stationhouse, and § 87(2)(b) was handed over to his arresting officer, PO Rodriguez, and the team's sergeant, identified by the investigation as Sgt. Andrew Hillery from the NBBS, because the rest of the team members had completed their assigned tour.

PO Rodriguez began to process § 87(2)(b)'s arrest. The finger printing system in the 69th Precinct stationhouse was down, so PO Rodriguez and Sgt. Hillery transported § 87(2)(b) to the 63rd Precinct stationhouse to complete the arrest processing in a Chevy Trailblazer. § 87(2)(b) was released with a desk appearance ticket at approximately 3:00 am on May 8, 2008.

§ 87(2)(b) went to court on an unspecified date to answer the charges against him, and they were dismissed. The judge said that the officers had conducted an illegal search. § 87(2)(b) did not remember on what day this occurred, but said that he waited to file his complaint until the court case was resolved and thought that his court date must have been on or about the same date that he called the CCRB intake line to complain.

Results of Investigation

Officer Statements

Det. Daniel Ticali

Det. Daniel Ticali § 87(2)(b) On May 7, 2008, he was assigned to the Narcotics Boro Brooklyn South and worked with Det. Gaspar Sciacca as narcotics enforcement for the NBBS in an unmarked minivan from 1:27 pm until 10:00 pm. Both officers wore plainclothes. His memo book entry in regard to this incident noted that he made an arrest at East 59th Street and Avenue K in Brooklyn at approximately 4:30 pm. He was interviewed at the CCRB on August 1, 2008, and provided the following statement.

Det. Ticali stated that he and Det. Sciacca were surveilling the area in the vicinity of East 59th Street and Avenue K because it is known as a drug sales location. He and his partner were driving slowly down the block when they noticed an individual identified as § 87(2)(b) § 87(2)(b) walking down the street. Det. Ticali said that he appeared to be "on a mission" and explained that his team uses this phrase in reference to individuals who appear to be nervous, pacing, and out of place in their surroundings. He specified that § 87(2)(b) was looking over his shoulder and appeared to be sweaty and nervous. Det. Ticali and Det. Sciacca parked their vehicle and continued to watch § 87(2)(b) from the side of the road, where he paced in front of a single-family home for a minute or two. The detectives observed § 87(2)(b) from inside the car and had to turn backwards in their seats to maintain sight of him. Det. Ticali did not recall whether his view of § 87(2)(b) was interrupted at any time.

Det. Ticali did not know the address of the house and said that it was not known to him as a drug sales location prior to this encounter. He observed § 87(2)(b) make a call on his cellular phone; his partner told him that he saw § 87(2)(b) walk up the steps in front of the residence and ring the doorbell. § 87(2)(b)

§ 87(2)(b) then returned to the sidewalk, where he paced about for between five and ten minutes. Eventually, a skinny, bald black male wearing a white T-shirt who appeared to be in his mid-thirties approached § 87(2)(b) and touched hands with him. The “touch” was described as the two men’s palms meeting, as in a handshake, and sliding back from one another, twice in rapid succession. Det. Ticali did not see an exchange but stated that Det. Sciacca told him he saw United States currency change hands between the two individuals. They interacted for only about thirty seconds, and the unidentified black male ran off when he saw the officers approaching. Det. Ticali did not see where he went but thought he ran through a backyard on the same block. That individual was never apprehended.

As soon as Det. Sciacca saw money change hands between § 87(2)(b) and the unidentified male, both detectives exited the vehicle and approached. The detectives identified themselves as officers (neither tried to chase the unidentified male) and Det. Ticali questioned § 87(2)(b) about his activities. § 87(2)(b) stated that he was coming from Long Island to buy bread from a local bakery for his mother, and named a local bakery located far from the incident location. He then said that he was visiting a friend but could not provide a name or address for this individual. Det. Ticali asked him if he possessed anything illegal, and § 87(2)(b) revealed that he had a single Xanax pill, and pointed out exactly where the pill was. Det. Ticali retrieved the pill and immediately handcuffed him. § 87(2)(b) verbally protested and stated that it was “okay,” because his father was a doctor, and he later said that he was prescribed the Xanax by his father. Det. Ticali thought that someone called the pharmacy specified by § 87(2)(b) and although he could not recall who made the call, he remembered that the pharmacy had no record of his prescription.

Det. Ticali then searched the “lungeable area” of § 87(2)(b)’s vehicle, which produced no additional contraband. He described the lungeable area as the front seats of the vehicle, including the center console and under the driver’s and passenger’s seats. He searched § 87(2)(b)’s person and recovered a mobile phone, and what he described as “a decent amount of cash,” but he did not specify how much money was discovered. § 87(2)(b) was arrested for criminal possession of a controlled substance and placed in the prisoner van, which arrived along with other members of the team shortly after the arrest. Det. Ticali had no further interactions with § 87(2)(b) after his transport.

Det. Gaspar Sciacca

Det. Gaspar Sciacca § 87(2)(b) who is assigned to the Narcotics Boro Brooklyn North, but was assigned to Brooklyn South on the date of the incident. § 87(2)(b) On May 7, 2008, he was assigned to chase auto with Det. Daniel Ticali. Both officers were dressed in plainclothes. They drove in an unmarked police minivan, and worked from 1:30 pm until 10:00 pm. Det. Sciacca was interviewed at the CCRB on August 1, 2008, and provided the following statement.

At approximately 4:00 pm, Det. Sciacca and Det. Ticali were sitting in their vehicle, parked on East 59th Street in Brooklyn. Det. Sciacca sat in the front passenger seat while Det. Ticali sat in the driver’s seat. They had been working with a confidential informant who they were waiting to meet. As they waited, Det. Sciacca and Det. Ticali noticed an individual identified by the investigation as § 87(2)(b) § 87(2)(b) walk down the street toward a single-family home. Det. Sciacca saw § 87(2)(b) walk onto the porch of the house and ring the bell. He had difficulty specifying what drew his attention to § 87(2)(b). He stated that he had a “grimy” look, and did not appear to fit into the neighborhood.

An unidentified male came to the door, and § 87(2)(b) reached into his pocket and took out what appeared to be currency and handed it to the individual, who gave a small object to § 87(2)(b). Det. Sciacca could not see what the small object was, and did not have any prior knowledge of that address as a known drug sales location, but thought that the interaction appeared to be a drug exchange. He described it as “the most obvious hand-to-hand that I have ever seen,” and physically demonstrated § 87(2)(b)’s movement, which consisted of reaching into his pocket and pulling out several bills which he counted into the individual’s hand. He could not remember the individual’s physical description aside from his gender, nor could he see what was exchanged.

As § 87(2)(b) walked away from the house, the detectives stopped him, and Det. Ticali began to question him. Det. Sciacca did not interact with § 87(2)(b) but secured the area as Det. Ticali patted

him down, discovered some sort of pills, and handcuffed him. He did not recall whether § 87(2)(b) was questioned.

Det. Gerard Beyrodt

Det Gerard Beyrodt from the Narcotics Boro Brooklyn South (NBBS) § 87(2)(b) On May 7, 2008, he worked from 1:30 pm through 10:00 pm and was assigned to drive the prisoner van. He was dressed in plainclothes and worked with PO Carlos Gonzalez, also assigned to NBBS. He noted in his memo book that an individual, identified by the investigation as § 87(2)(b) was arrested by his team at approximately 4:25 pm. He and PO Gonzalez took the prisoner van to the scene and arrived at approximately 4:45 pm, and transported § 87(2)(b) to the 69th Precinct stationhouse for a search. Det. Beyrodt was interviewed at the CCRB on October 17, 2008, and provided the following statement.

At approximately 4:45 pm on May 7, 2008, Det. Beyrodt and PO Gonzalez arrived at East 59th Street and Avenue K to transport § 87(2)(b) for arrest processing. § 87(2)(b) did not resist or do anything particularly memorable, and Det. Beyrodt did not recall the circumstances of his arrest or transport. He did not remember whether § 87(2)(b) said anything or complained. He was taken immediately to the 69th Precinct stationhouse, where he was strip-searched in a vacant cell wing by Det. Beyrodt. Sgt. Hillery authorized the search. Det. Beyrodt stated that the 69th Precinct has two cell areas, one of which is not used and is private. There were no cameras or other intrusions and nobody but Det. Beyrodt and § 87(2)(b) were present.

§ 87(2)(b) was then placed back into the prisoner van and Det. Beyrodt and PO Gonzalez continued with their responsibilities for the tour. Det. Beyrodt thought § 87(2)(b) stayed in the van for the duration of his tour, until approximately 10:00 pm. He did not recall whether § 87(2)(b) ever became resistant or disorderly or whether he or PO Gonzalez ever threatened him with force or used discourteous language.

PO Carlos Gonzalez

PO Carlos Gonzalez from the Narcotics Boro Brooklyn South (NBBS) § 87(2)(b) He has black hair, brown eyes, and has tattoos on his forearms that are visible when he wears short sleeves. On May 7, 2008, PO Gonzalez was assigned to the NBBS prisoner van and worked with Det. Gerard Beyrodt from the NBBS from 1:33 pm until 10:00 pm. Both officers wore plainclothes. They drove a red van that was not equipped with a divider. PO Gonzalez's memo book entries for the day indicate stops made by the prisoner van but contain no specific information relating to § 87(2)(b)'s complaint. PO Gonzalez was interviewed at the CCRB on November 7, 2008, and provided the following statement.

On May 7, 2008, at approximately 4:30 pm, PO Gonzalez and Det. Beyrodt drove the prisoner van to the Brookline Developments in Brooklyn, where they picked up a white male prisoner identified by the investigation as § 87(2)(b). Either PO Gonzalez or Det. Beyrodt searched § 87(2)(b) for contraband and placed him into the van. PO Gonzalez did not recall whether he or Det. Beyrodt issued any instructions to § 87(2)(b) but said that prisoners are typically told to be still and not to drop any contraband into the van. He did not know whether he or Det. Beyrodt made any such statements to § 87(2)(b) in this instance.

After the initial search, § 87(2)(b) was placed into the prisoner van. PO Gonzalez did not recall whether § 87(2)(b) spoke to the officers or made complaints of any kind during the ride.

PO Gonzalez and Det. Beyrodt drove the prisoner van to the 69th Precinct stationhouse, where Det. Beyrodt performed a strip search of § 87(2)(b) in a private area of the stationhouse. No contraband was discovered in the search.

Sgt. Andrew Hillery

Sgt. Andrew Hillery is a § 87(2)(b). He is currently assigned to the Narcotics Boro Staten Island, but was assigned to the Narcotics Boro Brooklyn South (NBBS) on the date of the incident, performing street-based narcotics enforcement. On May 7, 2008, Sgt. Hillery worked from 2:25 pm until 11:00 pm with PO Manuel Rodriguez, the assigned arresting officer for the day. Both officers were dressed in plainclothes, and they worked in an unmarked sport utility vehicle, identified by the tactical plan as a red Chevy Trailblazer. The other members of the team included Det. Gaspar Sciacca, Det. Daniel Ticali, Det. Gerard Beyrodt, and PO Manuel Rodriguez. Sgt. Hillery noted in his memo book that § 87(2)(b) § 87(2)(b) was arrested at approximately 4:25 pm on May 7, 2008. Sgt. Hillery was interviewed by Inv. Cristal Rivera on December 11, 2008, and provided the following statement.

On May 7, 2008, at approximately 4:25 pm, Sgt. Hillery was called to the arrest location at Avenue K and East 59th Street in Brooklyn by Detectives Sciacca and Ticali. Sgt. Hillery went to their location and verified the arrest of § 87(2)(b) who had been found in possession of a controlled substance. Sgt. Hillery did not remember the exact wording or kind of transmission, only that he was called by the detectives because they had performed an arrest. He was not aware of the detectives' presence at this location prior to the call.

When Sgt. Hillery arrived at the arrest location, § 87(2)(b) was handcuffed, and either Det. Sciacca or Det. Ticali showed him the controlled substance that had been recovered, which Sgt. Hillery thought was Xanax. Det. Sciacca and Det. Ticali explained the circumstances of the arrest to Sgt. Hillery, but he could not recall the details on the date of his interview. He stated that it is procedure to look up recovered prescription drugs in "The Drug Bible" to identify and determine whether such pills are controlled substances; he was not sure whether this step was undertaken in this particular arrest, but stated that it is the team's usual practice. § 87(2)(b) told Sgt. Hillery and the other officers on the scene that the pill had been prescribed by his father, who was a doctor. Sgt. Hillery did not see any of the officers present frisk or search § 87(2)(b) nor did he see anyone search § 87(2)(b)'s vehicle, which was parked on the curb near the arrest location.

Sgt. Hillery stated that he saw § 87(2)(b) who was still wearing handcuffs, make motions that looked as though he was stuffing something into the back of his pants while he and the officers waited for the prisoner van to arrive. § 87(2)(b) was seated in a police minivan with the side door open, and appeared to lean forward and push his hands into his back waistband. Sgt. Hillery asked § 87(2)(b) what he was doing, and he responded, "Nothing." Sgt. § 87(2)(b) then led § 87(2)(b) out of the minivan to a standing position, and pulled the back of § 87(2)(b)'s pants away from his body, while hidden by the shelter of the vehicle. He saw a neatly folded paper towel pushed between § 87(2)(b)'s pants and his underwear, and asked why § 87(2)(b) had the paper placed in such a way. § 87(2)(b) did not respond. Sgt. Hillery did not remove the paper towel, but determined at that time that § 87(2)(b) should be strip-searched later in a private area within a precinct stationhouse.

The prisoner van arrived at the scene of the arrest, and either Det. Beyrodt or PO Gonzalez placed § 87(2)(b) in the prisoner van. Sgt. Hillery did not hear either Det. Beyrodt or PO Gonzalez tell § 87(2)(b) to "settle down," or make any other threats or comments to him. Sgt. Hillery drove behind the prisoner van to the 69th Precinct stationhouse immediately after the arrest. When he, PO Rodriguez, Det. Beyrodt, PO Gonzalez, and § 87(2)(b) arrived at the 69th Precinct stationhouse, § 87(2)(b) asked to use the bathroom. Sgt. Hillery decided that he would strip-search § 87(2)(b) at the same time. He informed the 69th Precinct desk sergeant that § 87(2)(b) was to be searched, but he did not know whether the strip search was noted in the command log. § 87(2)(b) was strip-searched in a private cell by Det. Beyrodt and PO Gonzalez while Sgt. Hillery observed. The paper towel in § 87(2)(b)'s waistband was retrieved, but there was no contraband inside. No other contraband was found on § 87(2)(b)'s person in the course of the strip search.

Sgt. Hillery and PO Rodriguez began to process the arrest at the 69th Precinct, but discovered that there was a problem with the finger-printing apparatus there, and later transported § 87(2)(b) to the 63rd Precinct

stationhouse in their vehicle to continue arrest processing. At the 63rd Precinct stationhouse, § 87(2)(b) s fingerprinting was performed, and Sgt. Hillery was able to determine that § 87(2)(b) qualified for a desk appearance ticket rather than going to Central Booking. Sgt. Hillery explained that § 87(2)(b) qualified for a desk appearance ticket because he had no open cases, had not committed a “photographable offense,” and had no warrants, so he was able to see a judge at a later date. Sgt. Hillery made the decision to release § 87(2)(b) with the DAT. He did not know the outcome of the arrest, because he was placed on modified duty due to an injury shortly after the arrest. Sgt. Hillery viewed copies of the arrest reports and property vouchers and verified that they were accurate to his knowledge.

PO Manuel Rodriguez

PO Manuel Rodriguez from the NBBS was the assigned arresting officer for the team on May 7, 2008. In the arrest report prepared for § 87(2)(b) s arrest, PO Rodriguez noted that § 87(2)(b) was found in possession of a controlled substance at the northwest corner of East 59th Street and Avenue K in Brooklyn. PO Rodriguez was not present for the arrest, but was assigned to complete the arrest processing after the fact.

Officers Not Interviewed

PO Manuel Rodriguez from the NBBS, the arresting officer for the team on the date of the incident, was not interviewed in relation to this complaint. He was not present for § 87(2)(b) s interaction with Detectives Sciacca and Ticali, or for his transport in the prisoner van by Det. Beyrodt and PO Gonzalez. He was not present for § 87(2)(b) s strip search in the 69th Precinct stationhouse. As such, his statements would not have affected the outcome of the dispositions in this case.

Police Documents

The 69th Precinct **command log** for the incident date notes § 87(2)(b) s arrest, but does not note his strip search. There is also a notation in the 63rd Precinct **command log** regarding his presence and release with a DAT.

Civilian Criminal and CCRB History

§ 87(2)(b) has never made a CCRB complaint prior to this. § 87(2)(b), § 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Subject Officers’ CCRB History

Det. Daniel Ticali, a seven-year veteran of the NYPD, Det. Gerard Beyrodt, a seven-year veteran of the NYPD, PO Carlos Gonzalez, a six-year veteran of the NYPD, and Sgt. Andrew Hillery, an eight-year veteran of the NYPD, all have no history of substantiated allegations.

Conclusions and Recommendations

Officer Identification and Pleading of Allegations

Detectives Ticali and Sciacca acknowledged performing the initial stop of § 87(2)(b) § 87(2)(b) and Det. Ticali verified that he performed a search of the “lungeable area” of § 87(2)(b) s vehicle. The vehicle search is therefore pleaded against Det. Ticali. § 87(2)(b) described the officers in the prisoner van, Det. Gerard Beyrodt and PO Carlos Gonzalez, and attributed several threats of force to Det. Beyrodt. While neither Det. Beyrodt nor PO Gonzalez corroborated § 87(2)(b) s allegations, they both recalled

working that day and transporting him in the prisoner van. Both officers fit § 87(2)(b)'s physical description and are not similar in appearance. The abuse allegation was therefore pleaded against Det. Beyrodt. Both Det. Beyrodt and PO Gonzalez participated in the strip search of § 87(2)(b) as did Sgt. Andrew Hillery. As the ranking officer, Sgt. Hillery was responsible for properly conducting the search and the strip search allegation is therefore pleaded against him.

Allegations Not Pleaded

The stop, frisk, and search of § 87(2)(b) were not pleaded because each was performed incident to a lawful arrest.

Undisputed Facts

It is not in dispute that § 87(2)(b) § 87(2)(b) who was carrying a single Xanax pill, was arrested by Det. Daniel Ticali and Det. Gaspar Sciacca in the vicinity of Avenue K and East 59th Street in Brooklyn on the incident date. It is not in dispute that Det. Ticali searched § 87(2)(b)'s vehicle. § 87(2)(b) was arrested for possession of a controlled substance and transported in a prisoner van by Det. Gerard Beyrodt and PO Carlos Gonzalez. It is not in dispute that § 87(2)(b) was later strip-searched in a private area of a police building under the supervision of Sgt. Andrew Hillery.

§ 87(2)(b), § 87(2)(g)

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§ 87(2)(b), § 87(2)(g)

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Allegation A: Det. Daniel Ticali searched the vehicle occupied by § 87(2)(b) § 87(2)(b)

§ 87(2)(b) stated that he verbally consented to Det. Ticali's search of his vehicle. § 87(2)(b), § 87(2)(g)

Allegation B: Det. Gerard Beyrodt threatened § 87(2)(b) § 87(2)(b) **with the use of physical force.**

§ 87(2)(b), § 87(2)(g)

Allegation C: Sgt. Andrew Hillery supervised the strip search of § 87(2)(b)

§ 87(2)(b) alleged that he was strip-searched inside the 69th Precinct holding cell area, and PO Gonzalez, Det. Beyrodt, and Sgt. Hillery confirmed that a strip search was performed in a private area with no other civilians present. Patrol Guide procedure 208-05, concerning search guidelines subsequent to arrest, states that a strip search may be conducted when the arresting officer "reasonably suspects that weapons, contraband or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by the previous search methods." § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Investigator:

Kathryn Duffy

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: